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9      **PHILLIP HURBACE**

10     **UNITED STATES DISTRICT COURT**

11     **DISTRICT OF NEVADA**

12     **UNITED STATES OF AMERICA,**

13     Plaintiff,

14     vs.

15     **PHILLIP HURBACE, and SYLVAINE  
DELLA WHITMORE,**

16     Defendants.

17     Case No.: 2:17-CR-110-APG-DJA

18     (6<sup>th</sup> REQUEST)

19     **STIPULATION AND ORDER TO CONTINUE SENTENCING**

20     **IT IS HEREBY STIPULATED AND AGREED**, by and between **TONY LOPEZ,**  
**ESQ.**, Assistant United States Attorney, counsel for the United States of America, and  
**OSVALDO E. FUMO, ESQ.**, counsel for PHILLIP HURBACE, and **LISA RASMUSSEN,**  
**ESQ.**, counsel for SYLVAINE DELLA WHITMORE, that the Restitution Hearing currently  
scheduled for March 13, 2024 at 1:30 and the Sentencing Hearing currently scheduled for March  
14, 2024, at 10:30 a.m., and 1:30 p.m., be vacated and reset or a date and time convenient to the  
court, but not earlier than 2 weeks.

21     1. Counsels for defendants has spoken to their clients and they have no objection to the  
22        request of continuance.  
23  
24     2. Defendants are out on pretrial release.

1       3. Counsels has spoken to AUSA Tony Lopez and he does not oppose to the  
2           continuance.  
3  
4       4. Counsels needs additional time to prepare for sentencing.  
5  
6       5. Due to the snowstorm in northern Nevada, Defendant Hurbace is stuck in his  
7           residence.  
8  
9       6. Denial of this request for continuance could result in a miscarriage justice.  
10      7. For all the above-stated reasons, the ends of justice would best be served by a  
11           continuance of the Sentencing Hearing until a date and time convenient to the court.

12     This is the 6<sup>th</sup> request for continuance filed herein.

13     **DATED** this 6<sup>th</sup> day of March 2024.

14     /S/ Osvaldo E. Fumo, Esq.  
**OSVALDO E. FUMO, ESQ.**  
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18     Attorney for Defendant  
**PHILLIP HURBACE**

19     /S/ Tony Lopez, Esq.  
**TONY LOPEZ, AUSA**  
20     Assistant United States Attorney  
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24     /s/ Lisa Rasmussen, Esq.  
**LISA RASMUSSEN, ESQ.**  
25     Nevada Bar No. 7491  
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27     Las Vegas, Nevada 89104  
28     Attorney for Defendant  
**SYLVAINE DELLA WHITMRE**

## ORDER

IT IS HEREBY ORDERED that the Restitution Hearing currently scheduled for March 13, 2024 at 1:30 will be continued to the 26th day of March, 2024 at 1:30 p.m.; and

The Sentencing Hearings currently scheduled for March 14, 2024, at 1030 a.m. and 130 p.m., be continued to the 28th day of March, 2024 at the following times:

Hurbace 9:30 a.m.

Whitmore 10:30 a.m.

All in Courtroom 6C.

DATED this 7th day of March, 2024.

The Honorable Andrew P. Gordon  
United States District Court Judge